



General Assembly

**Substitute Bill No. 5425**

February Session, 2010

\* \_\_\_\_HB05425ED\_\_\_\_032210\_\_\_\_ \*

**AN ACT CONCERNING SPECIAL EDUCATION.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 10-76i of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) There shall be an Advisory Council for Special Education which  
4 shall advise the General Assembly, State Board of Education and the  
5 Commissioner of Education, and which shall engage in such other  
6 activities as described in this section. [Said] On and after July 1, 2010,  
7 the advisory council shall consist of the following members: (1) [Two]  
8 Eight appointed by the Commissioner of Education, (A) six of whom  
9 shall be (i) the parents of children with disabilities, provided such  
10 children are under the age of twenty-seven, or (ii) individuals with  
11 disabilities, (B) one of whom shall be an official of the Department of  
12 Education, and (C) one of whom shall be a [representative of an  
13 institution of higher education in the state that prepares teacher and  
14 related services personnel] state or local official responsible for  
15 carrying out activities under Subtitle B of Title VII of the McKinney-  
16 Vento Homeless Assistance Act, 42 USC 11431 et seq., as amended  
17 from time to time; (2) [two] one appointed by the Commissioner of  
18 Developmental Services [, one of whom] who shall be an official of the  
19 department; [and one of whom shall be a person with disabilities or a  
20 parent of such a person;] (3) [two] one appointed by the Commissioner

21 of Children and Families [, one of whom] who shall be an official of the  
22 department; [and one of whom shall be a person with disabilities or a  
23 parent or foster parent of such a person;] (4) one appointed by the  
24 Commissioner of Correction who shall be an official of the department;  
25 (5) four who are members of the General Assembly who shall serve as  
26 nonvoting members of the advisory council, one appointed by the  
27 majority leader of the House of Representatives, one appointed by the  
28 minority leader of the House of Representatives, one appointed by the  
29 president pro tempore of the Senate and one appointed by the  
30 minority leader of the Senate; (6) [three] one appointed by the  
31 president pro tempore of the Senate [, one of whom shall be a member  
32 of the Connecticut Association of Boards of Education, one of whom  
33 shall be a member of the Connecticut Speech-Language-Hearing  
34 Association and one of whom shall be a person with disabilities or the  
35 parent of such a person] who shall be a representative of an institution  
36 of higher education in the state that prepares special education and  
37 related services personnel; (7) [two] one appointed by the majority  
38 leader of the Senate [one of whom shall be a person with disabilities or  
39 the parent of such a person and one of whom shall be a regular  
40 education teacher] who shall be a public school teacher; (8) [four] one  
41 appointed by the minority leader of the Senate [, one of whom] who  
42 shall be a representative of a vocational, community or business  
43 organization concerned with the provision of transitional services to  
44 children with disabilities; [, one of whom shall be a member of the  
45 Connecticut Association of Private Special Education Facilities and two  
46 of whom shall be persons with disabilities or the parents of such  
47 persons;] (9) [three] one appointed by the speaker of the House of  
48 Representatives [, one of whom] who shall be a member of the  
49 Connecticut [Association of School Administrators and] Council of  
50 Special Education Administrators and who is a local education official;  
51 [, one of whom shall be a person with disabilities or the parent of such  
52 a person and one of whom shall be a member of the literacy coalition  
53 and a person with disabilities or the parent of such a person;] (10)  
54 [two] one appointed by the majority leader of the House of  
55 Representatives [, one of whom] who shall be [a person working in the

56 field of special-education-related services and one of whom shall be a  
 57 person with disabilities or the parent of such a person] a representative  
 58 of charter schools; (11) [four] one appointed by the minority leader of  
 59 the House of Representatives [, two of whom shall be persons with  
 60 disabilities or the parents of such persons, one of whom shall be a  
 61 member of the Connecticut Association of Pupil Personnel  
 62 Administrators and an administrator of a program for children who  
 63 require special education, and one of whom shall be a special  
 64 education teacher; (12) eight] who shall be a member of the  
 65 Connecticut Association of Private Special Education Facilities; (12)  
 66 one appointed by the Chief Court Administrator of the Judicial  
 67 Department who shall be an official of such department responsible for  
 68 the provision of services to adjudicated children and youth; (13) seven  
 69 appointed by the Governor, all of whom shall be [persons with  
 70 disabilities or parents of such persons and one of whom shall also be  
 71 associated with a charter school] (A) the parents of children with  
 72 disabilities, provided such children are under the age of twenty-seven,  
 73 or (B) individuals with disabilities; and [(13)] (14) such other members  
 74 as required by the Individuals with Disabilities Education Act, 20 USC  
 75 1400 et seq., as amended from time to time, appointed by the  
 76 Commissioner of Education. Appointments made pursuant to the  
 77 provisions of this section shall be representative of the ethnic and  
 78 racial diversity of, and the types of disabilities found in, the state  
 79 population. The terms of the [present] members of the council serving  
 80 on the effective date of this section shall expire on June 30, [1998] 2010.  
 81 Appointments shall be made to the council by July 1, [1998] 2010.  
 82 Members shall serve two-year terms, except that members appointed  
 83 pursuant to subdivisions (1) to [(4)] (3), inclusive, [and (12)] of this  
 84 subsection whose terms commenced July 1, [1998] 2010, shall serve  
 85 three-year terms and the successors to such members appointed  
 86 pursuant to [said] subdivisions (1) to (3), inclusive, of this subsection  
 87 shall serve two-year terms.

88 (b) [Said] The advisory council shall elect annually its own  
 89 chairperson and other officers as deemed necessary. The council shall

90 meet at least once during each calendar quarter and at such other times  
91 as the chairperson deems necessary or upon the request of a majority  
92 of members in office. The State Board of Education shall meet at least  
93 annually with the council to review the state plan for the provision of  
94 special education. A majority of the members in office, but not less  
95 than ten, shall constitute a quorum. Any member who fails to attend  
96 fifty per cent of all meetings held during any calendar year shall be  
97 deemed to have resigned from office. The member appointed by the  
98 Commissioner of Education who is an official of the department shall  
99 meet with and act as secretary to the advisory council. Members of the  
100 advisory council shall serve without compensation, but shall be  
101 reimbursed for all reasonable expenses incurred in the performance of  
102 their duties. The Department of Education shall provide secretarial  
103 and administrative assistance to facilitate the activity of the advisory  
104 council. The Department of Higher Education shall appoint a liaison  
105 person to the advisory council.

106 (c) The advisory council shall: (1) Advise the Department of  
107 Education of unmet needs in educating children with disabilities and  
108 on the administration of the provisions of sections 10-94f to 10-94k,  
109 inclusive; (2) review periodically the laws, regulations, standards and  
110 guidelines pertaining to special education and recommend to the  
111 General Assembly and the State Board of Education any changes  
112 which it finds necessary; (3) comment on any new or revised  
113 regulations, standards and guidelines proposed for issuance; (4)  
114 participate with the State Board of Education in the development of  
115 any state eligibility documents for provision of special education; (5)  
116 comment publicly on any procedures necessary for distributing federal  
117 funds received pursuant to the Individuals with Disabilities Education  
118 Act, 20 USC 1400 et seq., as from time to time amended; (6) assist the  
119 Department of Education in developing and reporting such data and  
120 evaluations as may be conducted pursuant to the provisions of said  
121 act; (7) report to the General Assembly not later than January fifteenth  
122 in the odd-numbered years and not later than February fifteenth in the  
123 even-numbered years, concerning recommendations for effecting

124 changes in the special education laws; and (8) perform any other  
125 activity that is required by the Individuals with Disabilities Education  
126 Act, 20 USC 1400, et seq., as from time to time amended.

127       Sec. 2. (NEW) (*Effective July 1, 2010*) (a) On and after July 1, 2012,  
128 local and regional boards of education shall provide applied behavior  
129 analysis services to those students with autism spectrum disorder  
130 whose individualized education plan or plan pursuant to Section 504  
131 of the Rehabilitation Act of 1973 requires such services. Such services  
132 shall be provided by a person who is (1) subject to the provisions of  
133 subsection (b) of this section, licensed by the Department of Public  
134 Health or certified by the Department of Education and such services  
135 are within the scope of practice of such license or certificate, or (2)  
136 certified by the Behavior Analyst Certification Board as a behavior  
137 analyst or assistant behavior analyst, provided such assistant behavior  
138 analyst is working under the supervision of a certified behavior  
139 analyst. For purposes of this section, "applied behavior analysis"  
140 means the design, implementation and evaluation of environmental  
141 modifications, using behavioral stimuli and consequences, including  
142 the use of direct observation, measurement and functional analysis of  
143 the relationship between the environment and behavior, to produce  
144 socially significant improvement in human behavior.

145       (b) If the Commissioner of Education determines that there are  
146 insufficient certified personnel available to provide applied behavior  
147 analysis services in accordance with the provisions of subsection (a) of  
148 this section, the commissioner may authorize the provision of such  
149 services by persons who: (1) Hold a bachelor's degree in a related field;  
150 (2) have completed (A) a minimum of nine credit hours of coursework  
151 from a course sequence approved by the Behavior Analyst  
152 Certification Board, or (B) coursework that meets the eligibility  
153 requirement to sit for the board certified behavior analyst examination;  
154 and (3) are supervised by a board certified behavior analyst.

155       (c) Nothing in this section shall be construed to require the inclusion  
156 of applied behavior analysis services in an individualized education

157 plan or plan pursuant to Section 504 of the Rehabilitation Act of 1973.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	10-76i
Sec. 2	<i>July 1, 2010</i>	New section

**ED**      *Joint Favorable Subst.*